

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

0.723 ACRES OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE
OF TEXAS; AND VALLEY LAND FUND,
INC., ET AL.,

Defendants.

§ § § § § § § § § § § § § § § §

CASE NO. 7:20-CV-412

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ N. Joseph Unruh*
N. JOSEPH UNRUH
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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115- 141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tracts: RGV-RGC-1048, RGV-RGC-1048-1, RGV-RGC-1048-2
Owner: Valley Land Fund, Inc.
Total Acres: 0.723

Tract: RGV-RGC-1048

Being a 0.324-acre tract (14,118 sq ft) parcel of land, more or less, being out of a calculated as 0.324 acres in Porcion No. 61, in Starr County, Texas conveyed to Valley Land Fund, Inc., tract, Volume 802, Page 695. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker S143, having the following NAD83 (2011) Grid Coordinates N=16714178.62, E=784782.59; Thence S57°19'43"W a distance of 1613.29 feet to a found ½" iron rod in the center of River Road, for the **Point of Commencement**, having the following coordinates: N=16713307.73, E=783424.56.

Thence: S42°36'28"W departing said road, a distance of 523.37 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-1=1048-1-1=1048-2-1, on the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and at the Southeast corner of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and the Southwest corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695, for the **Point of Beginning**, having the following coordinates: N=16712922.53, E=783070.25.

Thence: N29°46'37"W along the West line of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the East line of the Valley Land Fund, Inc. tract, Volume 799, Page 68, crossing an existing chain link fence at 149.28 feet, a distance of 165.88 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1046-3A=1048-2=1048-1-4 for angle, said point being on the South Right-of-Way of River Road and at the Northwest corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and at the Northeast corner of the Valley Land Fund, Inc. tract, Volume 799, Page 68;

Thence: N61°17'15"E along said Right-of-Way, along the North line of the Valley Land Fund, Inc. tract, Volume 802, Page 695, to an existing chain link fence corner, a distance of 69.49 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1046-3=1047-3=1048-3 for angle, said point being the Northeast corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the Northwest corner of the Falcon Rural Water Supply Corporation tract, Volume 378, Page 323;

SCHEDULE C (Cont.)

Thence: S42°35'20"E departing said Right-of-Way, departing said property line, departing said fence corner, a distance of 160.29 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1047-2A=1048-4=1048-2-2 for angle, said point being the Southeast corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the Northeast corner of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and on the West line of the Falcon Rural Water Supply Corporation tract, Volume 378, Page 323;

Thence: S55°42'27"W along the South line of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780, crossing a chain link fence line at 35.79 feet, a distance of 105.35 feet returning to the **Place of Beginning**.

Tract: RGV-RGC-1048-1

Being a 0.079-acre tract (3,423 sq ft) parcel of land, more or less, being out of a calculated 0.330 acres in Porcion No. 61, in Starr County, Texas conveyed to Valley Land Fund, Inc., tract, Volume 799, Page 68. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker S143, having the following NAD83 (2011) Grid Coordinates N=16714178.62, E=784782.59; Thence S57°19'43"W a distance of 1613.29 feet to a found 1/2" iron rod in the center of River Road, for the **Point of Commencement**, having the following coordinates: N=16713307.73, E=783424.56.

Thence: S42°36'28"W departing said road, a distance of 523.37 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-1=1048-1-1=1048-2-1, on the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and at the Southeast corner of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and the Southwest corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695, for the **Point of Beginning**, having the following coordinates: N=16712922.53, E=783070.25.

Thence: S63°45'19"W along the South line of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780, crossing a chain link fence at 2.78 feet, a distance of 10.49 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-1-2=1048-2-5 for angle, said point being on the Western boundary of the parcel herein described;

Thence: N36°47'37"W departing said property line, along said Western boundary, crossing a chain link fence at 149.77 feet, a distance of 167.06 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1046-4=1048-1-3 for angle, said point being on the North line of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and on the South line of River Road Right-of-Way;

SCHEDULE C (Cont.)

Thence: N61°17'15"E along said property line, along said Right-of-Way, departing said Western boundary, a distance of 30.88 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1046-3A=1048-2=1048-1-4 for angle, said point being the Northeast corner of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and the Northwest corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695;

Thence: S29°46'37"E departing said Right-of-Way, along the West line of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the East line of the Valley Land Fund, Inc. tract, Volume 799, Page 68, a distance of 165.88 feet returning to the **Place of Beginning**.

Tract: RGV-RGC-1048-2

Being a 0.320-acre tract (13,918 sq ft) parcel of land, more or less, being out of a calculated 0.658 acres in Porcion No. 61, in Starr County, Texas conveyed to Valley Land Fund, Inc., tract, Volume 797, Page 780. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker S143, having the following NAD83 (2011) Grid Coordinates N=16714178.62, E=784782.59; Thence S57°19'43"W a distance of 1613.29 feet to a found ½" iron rod in the center of River Road, for the **Point of Commencement**, having the following coordinates: N=16713307.73, E=783424.56.

Thence: S42°36'28"W departing said road, a distance of 523.37 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-1=1048-1-1=1048-2-1, on the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and at the Southeast corner of the Valley Land Fund, Inc. tract, Volume 799, Page 68 and the Southwest corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695, for the **Point of Beginning**, having the following coordinates: N=16712922.53, E=783070.25.

Thence: N55°42'27"E along the South line of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780, crossing a chain link fence at 69.42 feet, a distance of 105.35 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1047-2A=1048-4=1048-2-2 for angle, said point being the Northeast corner of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and the Southeast corner of the Valley Land Fund, Inc. tract, Volume 802, Page 695 and on the West line of the Falcon Rural Water Supply Corporation tract, Volume 378, Page 323;

SCHEDULE C (Cont.)

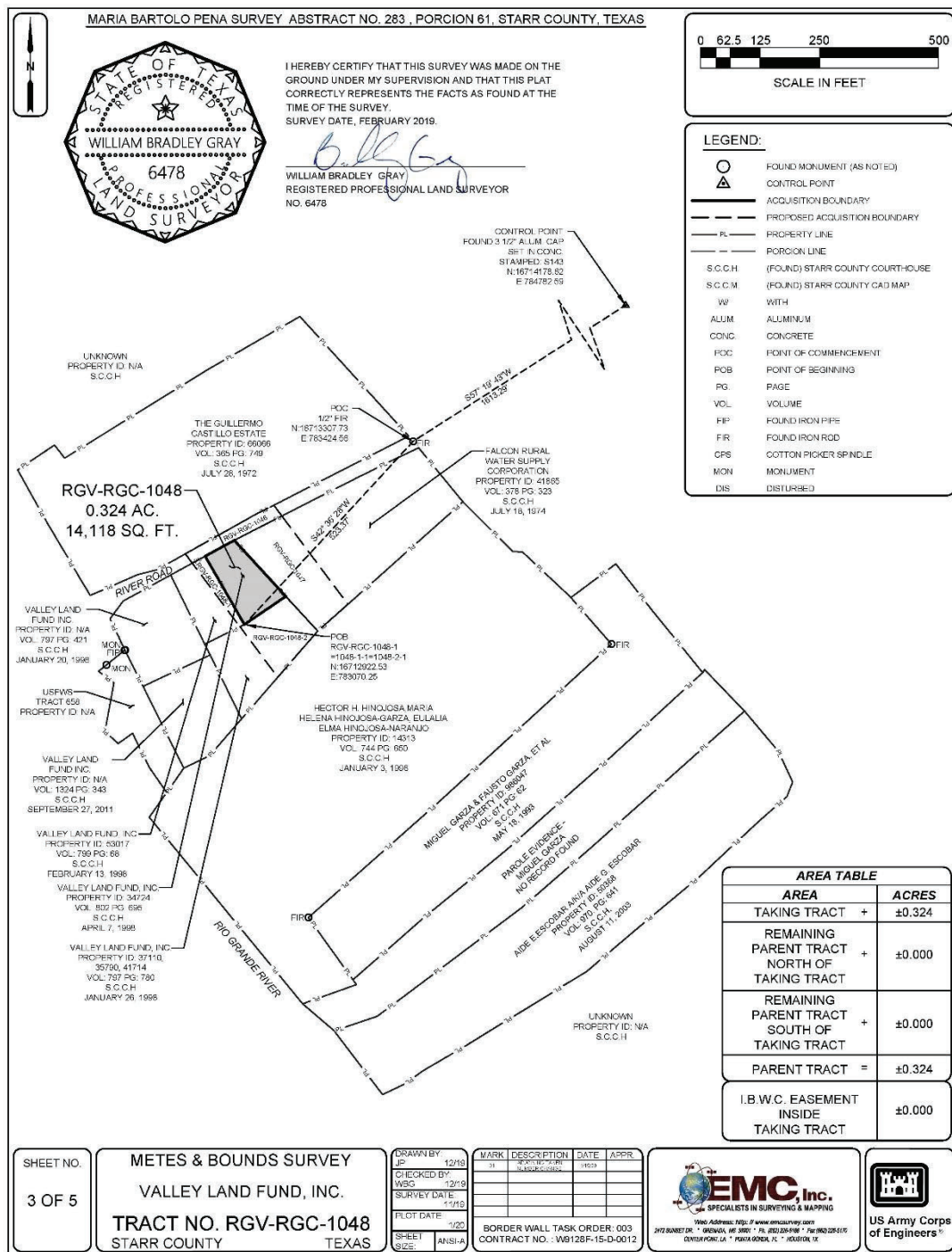
Thence: S42°35'20"E along the West line of the Falcon Rural Water Supply Corporation tract, Volume 378, Page 323 and the East line of the Valley Land Fund, Inc. tract, Volume 797, Page 780, to an existing chain link fence corner, a distance of 99.18 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1047-2=1048-2-3=1049-6 for angle, said point being the Southeast corner of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and the Southwest corner of the Falcon Rural Water Supply Corporation tract, Volume 378, Page 323 and on the North line of the Hector H. Hinojosa, Maria Helena Hinojosa-Garza, Eulalia Elma Hinojosa-Naranjo tract, Volume 744, Page 650;

Thence: S40°53'15"W along the South line of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and the North line of the Hector H. Hinojosa, Maria Helena Hinojosa-Garza, Eulalia Elma Hinojosa-Naranjo tract, Volume 744, Page 650, along said fence, a distance of 128.54 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-2-4=1049-5 for angle, said point being on the Western boundary of the parcel herein described;

Thence: N36°47'37"W departing said property line, departing said fence, along said Western boundary, crossing the center of an existing 8 foot wide dirt road at 61 feet, a distance of 132.61 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-1048-1-2=1048-2-5 for angle, said point being on the North line of the Valley Land Fund, Inc. tract, Volume 797, Page 780 and on the South line of the Valley Land Fund, Inc. tract, Volume 799, Page 68;

Thence: N63°45'19"E along said property line, departing said Western boundary, crossing an existing chain link fence at 7.71 feet, a distance of 10.49 feet returning to the **Place of Beginning**.

SCHEDULE D

SCHEDULE D**MAP or PLAT****LAND TO BE CONDEMNED**

SCHEDULE D (Cont.)**LEGEND:**

	FOUND MONUMENT (AS NOTED)		COMMUNICATION/TELEPHONE JUNCTION BOX/PEDESTAL		GAS LINE
	SET MONUMENT		OVERHEAD COMMUNICATIONS/TELEPHONE LINE		EDGE OF RIPRAP
	CONTROL POINT		UNDERGROUND COMMUNICATIONS/TELEPHONE LINE		EDGE OF VEGETATION (TYPE NOTED)
	ACQUISITION BOUNDARY		UNDERGROUND FIBER OPTIC LINE		MISCELLANEOUS SYMBOL (SEE LABEL)
	PROPOSED ACQUISITION BOUNDARY		CATCH BASIN		(FOUND) STARR COUNTY COURTHOUSE
	EASEMENT LINE		STORM GRATE		(FOUND) STARR COUNTY CAD MAP
	PROPERTY LINE		STORM SEWER VALVE		WITH
	PORCION LINE		STORM MANHOLE		UNKNOWN
	EXISTING WALL		STORM SEWER		ALUMINUM
	LEVEE TOP BANK		CULVERT		CONCRETE
	LEVEE TOE		HEADWALL AND WINGWALL		CULVERT
	EDGE OF ROAD (TYPE NOTED)		TOP OF DITCH		POINT OF COMMENCEMENT
	GUARD RAIL		BOTTOM OF DITCH		POINT OF BEGINNING
	SAVE AND EXCEPT AREA		EDGE OF WATER		PAGE
	EDGE OF SIDEWALK		WATER PUMP		VOLUME
	BUILDING OUTLINE (SEE LABEL)		MONITORING WELL		MONUMENT
	FENCE (TYPE NOTED)		WATER VALVE		FOUND IRON PIPE
	EDGE OF STRUCTURE (SEE LABEL)		WATER METER		FOUND IRON ROD
	BRIDGE OUTLINE		HYDRANT		COTTON PICKER SPINDLE
	OVERHEAD ELECTRICAL LINE		WATER EXTINGUISHER/FAUCET/SPICKET		DISTURBED
	UNDERGROUND ELECTRICAL LINE		WATER MANHOLE		1 STORY FRAME HOUSE
	LIGHT POLE		WATER LINE		2 STORY FRAME HOUSE
	UTILITY POLE		LIFT STATION		1 STORY BRICK HOUSE
	GUY END		PUMP STATION		2 STORY BRICK HOUSE
	GUY POLE		SEWER CLEAN OUT		1 STORY COMMERCIAL BUILDING
	JUNCTION BOX		SEWER MANHOLE		2 STORY COMMERCIAL BUILDING
	ELECTRICAL MANHOLE		SEWER WATER PUMP		1 STORY STORE BUILDING
	ELECTRICAL METER		SANITARY SEWER VAULT		2 STORY STORE BUILDING
	ELECTRICAL PULL BOX		SANITARY SEWER LINE		SHED WOOD FRAME
	TRANSMISSION TOWER		GAS TANK		SHED BRICK
	SUBSTATION		GAS VALVE		CHAIN LINK FENCE
	ELECTRICAL TRANSFORMER		GAS METER		WOODEN FENCE
	COMMUNICATIONS/TELEPHONE MANHOLE		GAS LINE MARKER		STONE OR BRICK FENCE
			GAS VAULT		BARBED WIRE FENCE

GENERAL SURVEYOR'S NOTES:

- THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING A SCALE FACTOR OF 0.9999228869 (E.G. GRID X 0.9999228869 = SURFACE).
- A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THE SUBJECT PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A THOROUGH TITLE EXAMINATION.
- THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND/OR GIS INFORMATION PROVIDED BY THE COUNTY AND IS NOT BASED ON FIELD DIMENSIONS.
- EMC, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-11453.
- PORCION LINES ARE DERIVED FROM PUBLIC GIS INFORMATION.
- TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 1969630349).
- TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 1969630633).
- LOVE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 592014535).
- LOVE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 592014938).

PARCEL TABLE					
MONUMENT/LINE/CURVE#	MONUMENT NAME	NORTHING	EASTING	DISTANCE	DIRECTION
P1	RGV-RGC-1048-1=1048-1-1=1048-2-1	16712922.53	783070.25		
L1				165.88'	N29°46'37"W
P2	RGV-RGC-1046-3A=1048-2=1048-1-4	16713066.51	782987.86		
L2				69.49'	N61°17'15"E
P3	RGV-RGC-1046-3=1047-3=1048-3	16713099.90	783048.81		
L3				160.29'	S42°35'20"E
P4	RGV-RGC-1047-2A=1048-4=1048-2-2	16712981.89	783157.29		
L4				105.35'	S55°42'27"W

SHEET NO.

5 OF 5

METES & BOUNDS SURVEY

VALLEY LAND FUND, INC.

TRACT NO. RGV-RGC-1048

STARR COUNTY

TEXAS

DRAWN BY: JP

CHECKED BY: WBG

SURVEY DATE: 11/19

PLOT DATE: 1/20

SHEET SIZE: ANSI A

MARK DESCRIPTION DATE APPR

7 12/19 12/20

7 12/19 12/20

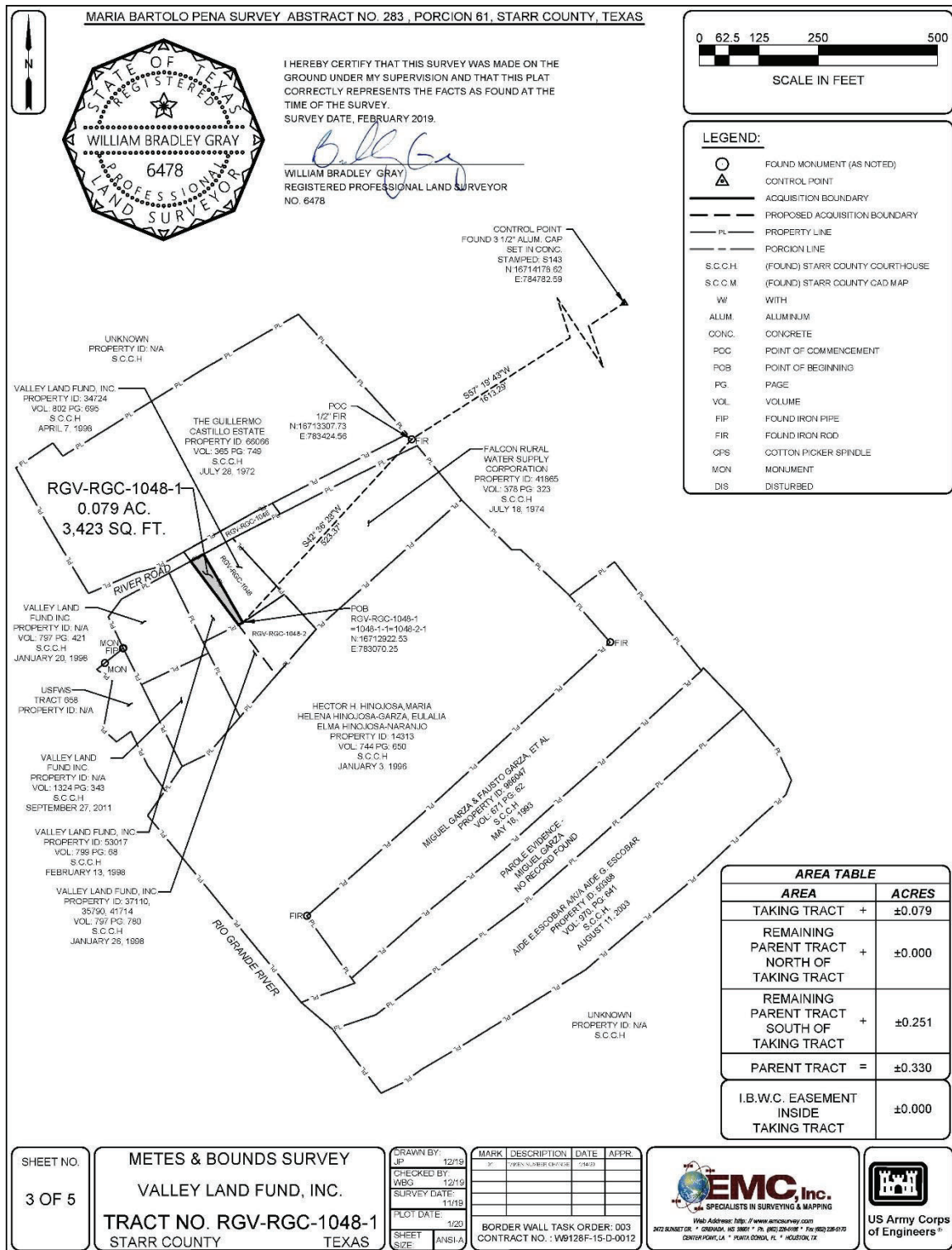
7 12/19 12/20

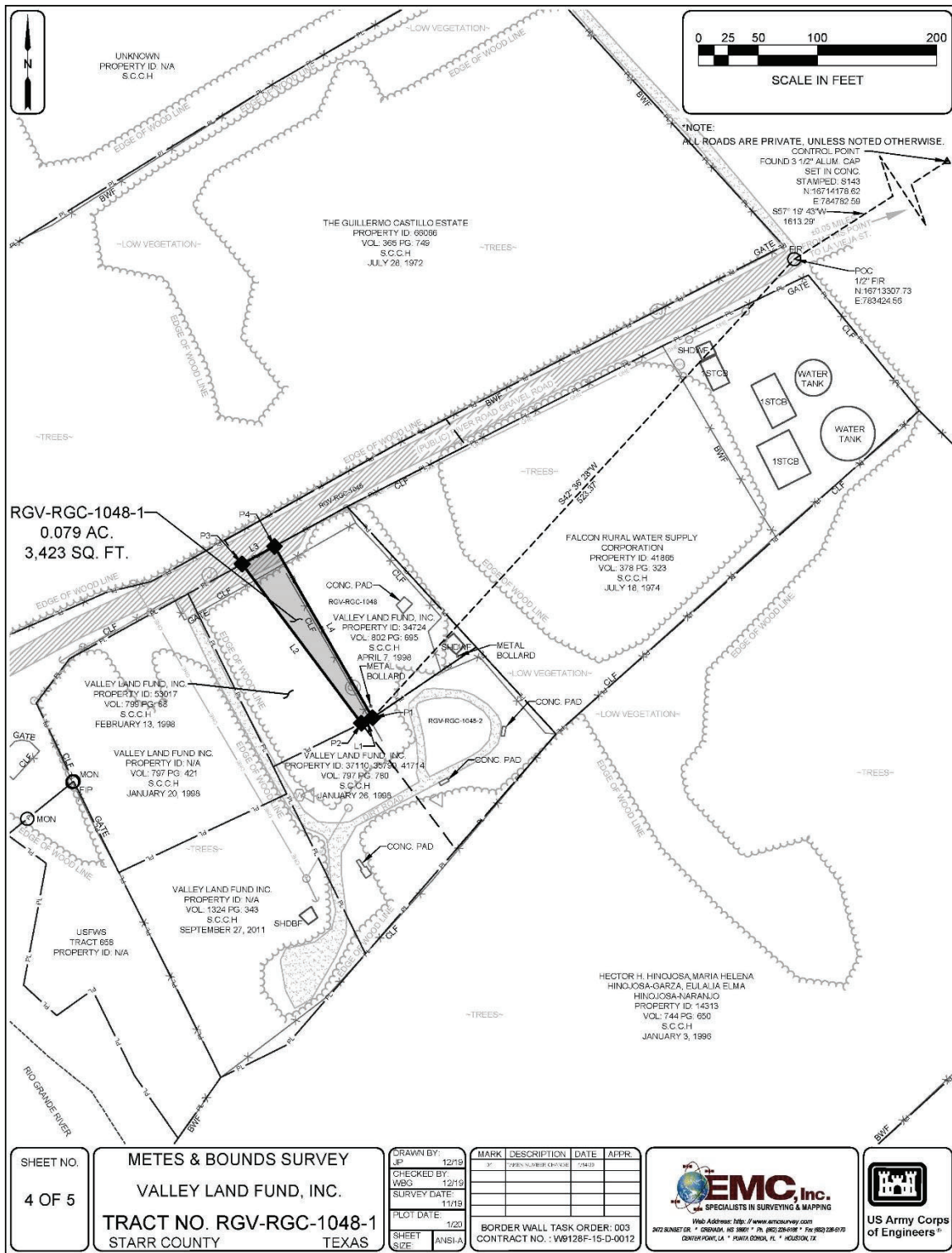
7 12/19 12/20

BORDER WALL TASK ORDER: 003

CONTRACT NO.: W9126F-15-D-0012

**EMC, Inc.**
SPECIALISTS IN SURVEYING & MAPPINGWeb Address: <http://www.emcsurvey.com>
2422 BUNNETT DR. • GRIFFOIA, MS 38901 • TX (601) 228-5100 • FAX (601) 228-0170
CENTER POINT, LA • PLETA BORDA, FL • HOUSTON, TX**US Army Corps of Engineers**

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

LEGEND:			
	FOUND MONUMENT (AS NOTED)		COMMUNICATION/TELEPHONE JUNCTION BOX/PEDESTAL
	SET MONUMENT		OVERHEAD COMMUNICATIONS/TELEPHONE LINE
	CONTROL POINT		UNDERGROUND COMMUNICATIONS/TELEPHONE LINE
	ACQUISITION BOUNDARY		UNDERGROUND FIBER OPTIC LINE
	PROPOSED ACQUISITION BOUNDARY		CATCH BASIN
	EASEMENT LINE		STORM GRATE
	PROPERTY LINE		STORM SEWER VALVE
	PORTION LINE		STORM MAN-HOLE
	EXISTING WALL		STORM SEWER
	LEVEE TOP BANK		CULVERT
	LEVEE TOE		HEADWALL AND WINGWALL
	EDGE OF ROAD (TYPE NOTED)		TOP OF DITCH
	GUARD RAIL		BOTTOM OF DITCH
	SAVE AND EXCEPT AREA		EDGE OF WATER
	EDGE OF SIDEWALK		WATER PUMP
	BUILDING OUTLINE (SEE LABEL)		MONITORING WELL
	FENCE (TYPE NOTED)		WATER VALVE
	EDGE OF STRUCTURE (SEE LABEL)		WATER METER
	BRIDGE OUTLINE		HYDRANT
	OVERHEAD ELECTRICAL LINE		WATER EXTINGUISHER/FAUCET/SPICKET
	UNDERGROUND ELECTRICAL LINE		WATER MAN-HOLE
	LIGHT POLE		WATER LINE
	UTILITY POLE		LIFT STATION
	GUY END		PUMP STATION
	GUY POLE		SEWER CLEAN OUT
	JUNCTION BOX		SEWER MAN-HOLE
	ELECTRICAL MAN-HOLE		SEWER WATER PUMP
	ELECTRICAL METER		SANITARY SEWER VAULT
	ELECTRICAL PULL BOX		SANITARY SEWER LINE
	TRANSMISSION TOWER		GAS TANK
	SUBSTATION		GAS VALVE
	ELECTRICAL TRANSFORMER		GAS METER
	COMMUNICATIONS/TELEPHONE MAN-HOLE		GAS LINE MARKER
			GAS VAULT
			GAS LINE
			EDGE OF RIFRAP
			EDGE OF VEGETATION (TYPE NOTED)
			MISCELLANEOUS SYMBOL (SEE LABEL)
			(FOUND) STARR COUNTY COURTHOUSE
			(FOUND) STARR COUNTY CAD MAP
			WITH
			UNKNOWN
			ALUMINUM
			CONCRETE
			CULVERT
			POINT OF COMMENCEMENT
			POINT OF BEGINNING
			PAGE
			VOLUME
			MONUMENT
			FOUND IRON PIPE
			FOUND IRON ROD
			COTTON PICKER SPINDLE
			DISTURBED
			1 STORY FRAME HOUSE
			2 STORY FRAME HOUSE
			1 STORY BRICK HOUSE
			2 STORY BRICK HOUSE
			1 STORY COMMERCIAL BUILDING
			2 STORY COMMERCIAL BUILDING
			1 STORY STORE BUILDING
			2 STORY STORE BUILDING
			SHED WOOD FRAME
			SHED BRICK
			CHAIN LINK FENCE
			WOODEN FENCE
			STONE OR BRICK FENCE
			BARBED WIRE FENCE

GENERAL SURVEYOR'S NOTES:

- THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING A SCALE FACTOR OF 0.9999228869 (E.G. GRID X 0.9999228869 = SURFACE).
- A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THE SUBJECT PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A THOROUGH TITLE EXAMINATION.
- THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND/OR GIS INFORMATION PROVIDED BY THE COUNTY AND IS NOT BASED ON FIELD DIMENSIONS.
- EMC, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORP'S CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-11453.
- PORTION LINES ARE DERIVED FROM PUBLIC GIS INFORMATION.
- TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 169630349).
- TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 169630383).
- LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 592014525).
- LONE STAR 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JULY 17, 2019 (TICKET NO. 592014936).

PARCEL TABLE					
MONUMENT/LINE/CURVE#	MONUMENT NAME	NORTHING	EASTING	DISTANCE	DIRECTION
P1	RGV-RGC-1048-1=1048-1-1=1048-2-1	16712922.53	783070.25		
L1				10.49'	S63°45'19"W
P2	RGV-RGC-1048-1-2=1048-2-5	16712917.89	783060.84		
L2				167.06'	N36°47'37"W
P3	RGV-RGC-1046-4=1048-1-3	16713051.67	782960.78		
L3				30.88'	N61°17'15"E
P4	RGV-RGC-1046-3A=1048-2=1048-1-4	16713066.51	782987.86		
L4				165.88'	S29°46'37"E

SHEET NO.

5 OF 5

METES & BOUNDS SURVEY

VALLEY LAND FUND, INC.

TRACT NO. RGV-RGC-1048-1
STARR COUNTY TEXAS

DRAWN BY:

JP

12/19

CHECKED BY:

WBO

12/19

SURVEY DATE:

11/19

PLOT DATE:

1/20

SHEET

SIZE

ANSI

MARK DESCRIPTION DATE APPR.

17

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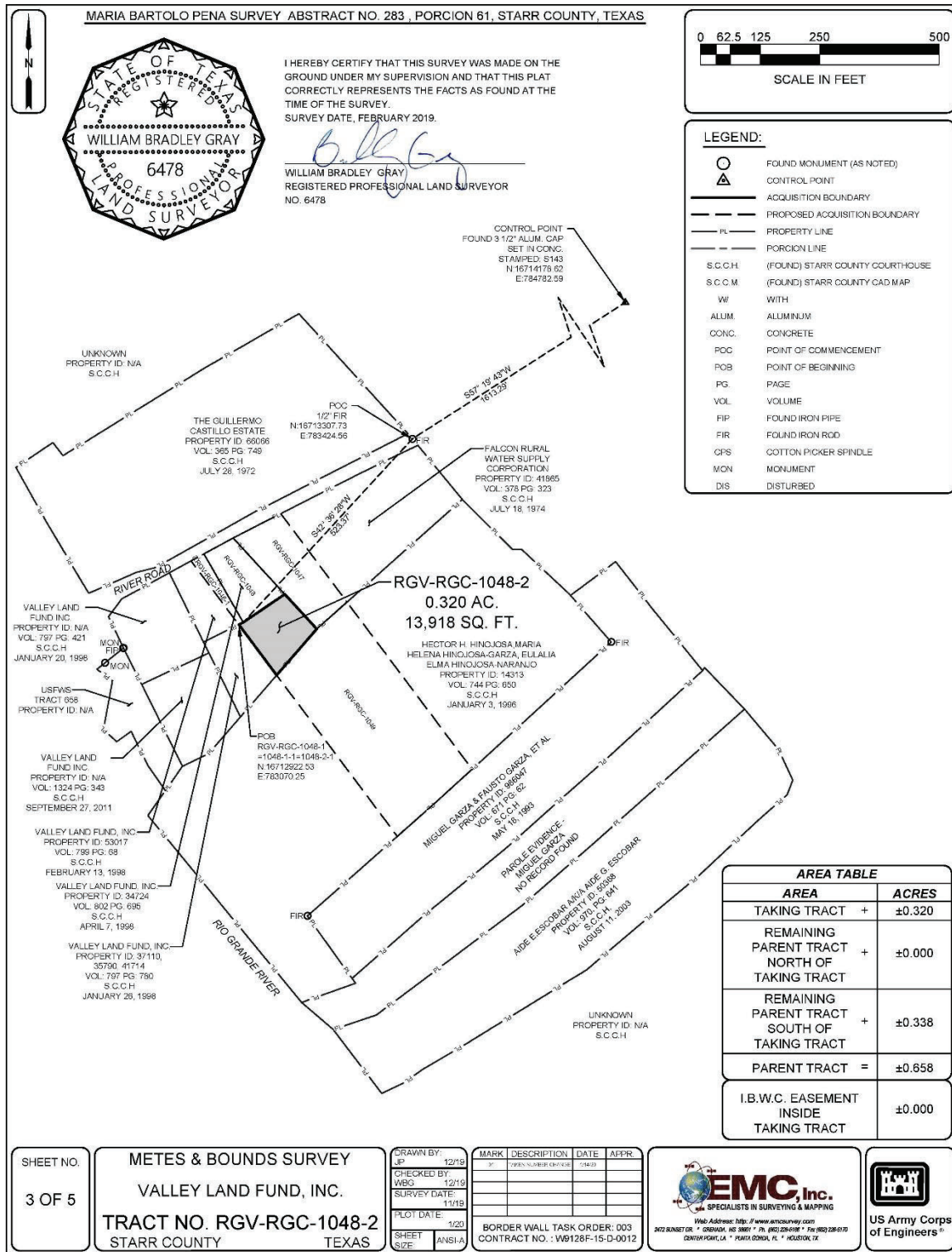
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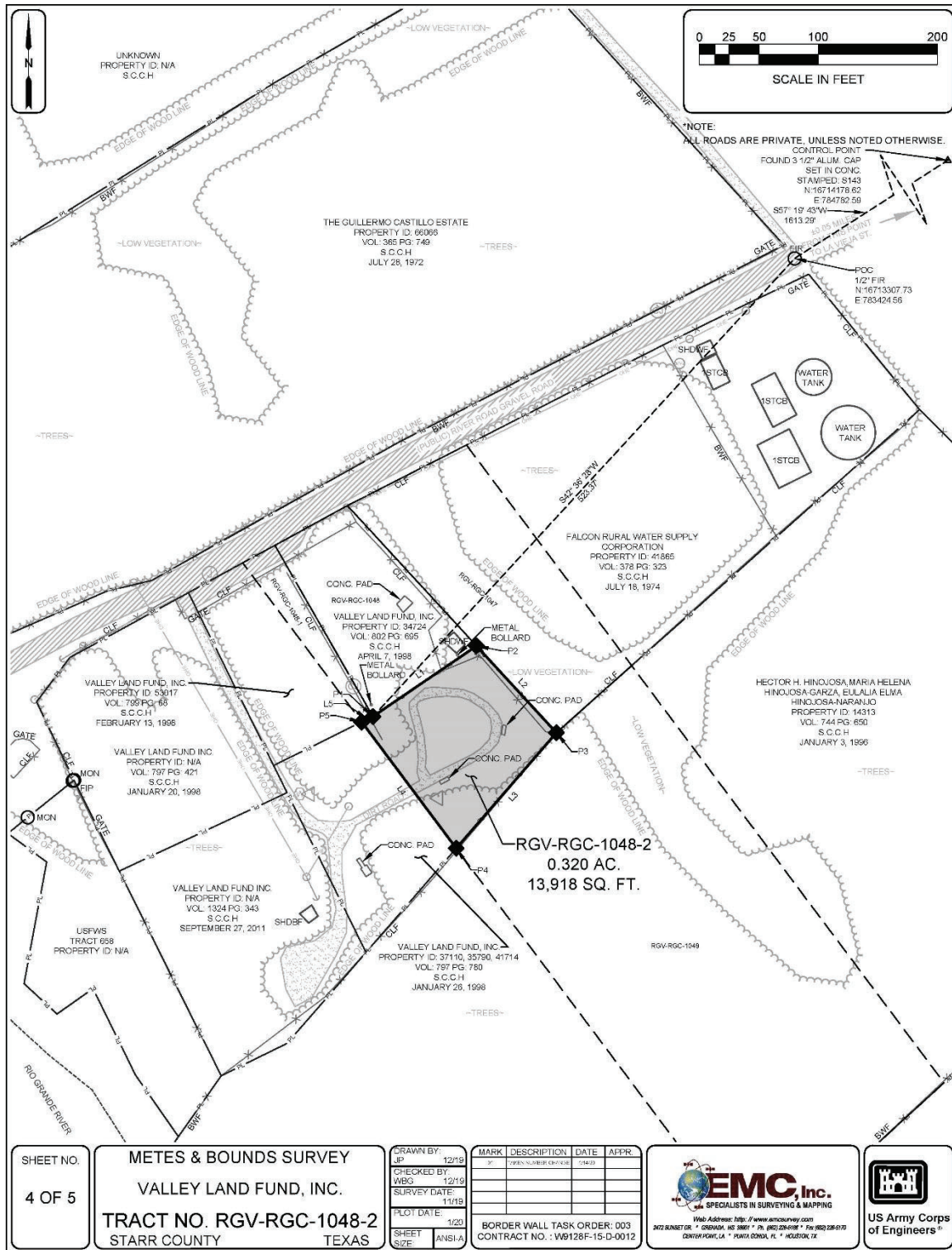
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SCHEDULE D (Cont.)

SCHEDULE D (Cont.)

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tracts: RGV-RGC-1048, RGV-RGC-1048-1, RGV-RGC-1048-2

Owner: Valley Land Fund, Inc.

Total Acres: 0.723

Tract: RGV-RGC-1048

Acres: 0.324

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in Special Warranty Deed, dated March 13, 1998, recorded on April 7, 1998, in Volume 802, Page 695, Document No. 1998-196176, Official Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

Tract: RGV-RGC-1048-1

Acres: 0.079

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in Special Warranty Deed, dated February 10, 1998, recorded on February 13, 1998, in Volume 799, Page 68, Document No. 1998-195309, Official Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier

SCHEDULE E (Cont.)

Tract: RGV-RGC-1048-2

Acres: 0.320

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in Special Warranty Deed, dated January 1, 1998, recorded on January 26, 1998, in Volume 797, Page 780, Document No. 1998-195035, Official Records of Starr County, Texas, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

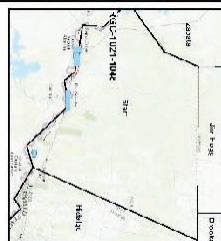
SCHEDULE E (Cont.)



**Border Infrastructure
Project**

RGV-07

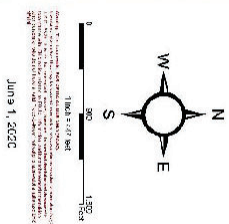
RG-1021-1048



**Starr County,
Texas**

Legend

- Tracts
- Parent Tracts



SCHEDULE F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the lands being taken is TEN THOUSAND THREE HUNDRED NINETY-EIGHT DOLLARS AND NO/100 (\$10,398.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G

INTERESTED PARTIES

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Valley Land Fund, Inc., a Texas non-profit corporation Dennis Burleson, registered agent 2400 N. 10th Street, Ste. A McAllen, TX 78501	RGV-RGC-1048 Special Warranty Deed, dated March 13, 1998, recorded on April 7, 1998, in Volume 802, Page 695, Document No. 1998-196176, Official Records, Starr County, Texas Life Estate Remainderman Affidavit dated September 30, 2020, recorded as Document No. 2020-358507, Official Records, Starr County, Texas. Deed dated September 1, 2020, recorded as Document No. 2020-358534, Official Records, Starr County, Texas. Life Estate Remainderman Affidavit dated August 23, 2020, recorded as Document No. 2020-358506, Official Records, Starr County, Texas. Deed dated September 1, 2020, recorded as Document No. 2020-358533, Official Records, Starr County, Texas. RGV-RGC-1048-1 Special Warranty Deed, dated February 10, 1998, recorded on February 13, 1998, in Volume 799, Page 68, Document No. 1998-195309, Official Records, Starr County, Texas RGV-RGC-1048-2 Special Warranty Deed, dated January 1, 1998, recorded on January 26, 1998, in Volume 797, Page 780, Document No. 1998-195035, Official Records, Starr County, Texas Property Taxes
Ameida Salinas Starr County Tax Assessor Collector 100 N. FM 3167, Suite 201 Rio Grande City, TX 78582	

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
N. Joseph Unruh, United States Attorney's Office, Southern District of Texas, 1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501

DEFENDANTS

0.723 Acres of Land, More or Less, Situate in Starr County, State of Texas; and Valley Land Fund, Inc., et. al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$

UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

12/15/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ N. Joseph Unruh

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____